



City Council Agenda

Council President
Henry T. Perea

Councilmembers

Brian Calhoun, Ph.D.
Mike Dages
Jerry Duncan

Cynthia Sterling
Larry Westerlund
Blong Xiong – Acting President

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650.

The City Council welcomes you to this meeting.

February 6, 2007

8:30 A.M. ROLL CALL

Invocation by Councilmember Sterling

Pledge of Allegiance to the Flag

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Sterling - **Presented**

Introduction of a New Airline to Fresno International Airport – Airports Dept. – **Introduction made**

Presentation of Resolution Congratulating the Purchasing Division of the General Services Department for receiving The “Achievement in Excellence in Procurement” Award for 2006 – Mayor Autry and All Councilmembers - **Presented**

Proclamation of “ROBERT BURNS DAY” – Councilmember Calhoun - **Presented**

Proclamation of “PINEDALE ASSEMBLY CENTER MEMORIAL PROJECT DAY” – All Councilmembers – **Read and Presented**

Approve minutes of January 30 and February 1, 2007

Action Taken: **Approved**

Councilmember Reports and Comments

Action Taken **Made**

Approve Agenda

Action Taken: **Approved, as amended**

Adopt Consent Calendar

Action Taken: **Adopted**

1. CONSENT CALENDAR

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 P.M.

- A. * Authorized staff to negotiate and enter into a professional services agreement with Quad Knopf Inc. for the design of a two-million gallon water storage tank and water supply well – Dept. of Public Utilities
Action Taken: **Discussed briefly and tabled to 2/27/2007**
- B. * **RESOLUTION** - 456th amendment to MFS Resolution No. 80-420 to adopt the annual routine revisions to the following departments: Airports; Fire; General Government; Parks, Recreation, and Community Services; Planning & Development; Police; Public Utilities; and Public Works – Finance Dept./Budget Division
Action Taken: **Resolution No. 2007-37 adopted**
- C. * **RESOLUTION** - 56th amendment to AAR No. 2006-253 appropriating \$890,000 for the sole source procurement and installation of two passenger loading bridges at Fresno Yosemite International Airport **(Requires 5 affirmative votes)** – Airports Dept.
Action Taken: **Resolution No. 2007-38 adopted**
1. **RESOLUTION** - Authorizing the Purchasing Manager to enter into a procurement and installation contract with FMC Technologies in the amount of \$890,000 for two Passenger Loading Bridges at Fresno Yosemite International Airport (FYI) without advertised competitive bidding
Action Taken: **Resolution No. 2007-39 adopted**
- D. Authorize the Chief of Police to enter into and execute the agreement and required program documents with the Office of Emergency Services and the Memorandum of Understanding (MOU) with the Marjaree Mason Center for the Law Enforcement specialized Units Program, Violence Against Women 2007 Grant Project – Police Dept.
Action Taken: **Authorized**
1. * **RESOLUTION** - 46th amendment to AAR No. 2006-253 appropriating \$95,700 to fund the Violence Against Women Advocacy Program through a grant provided by the State Office of Emergency Services **(Requires 5 affirmative votes)**
Action Taken: **Resolution No. 2007-40 adopted**

1. **CONSENT CALENDAR CONTINUED**

- E. **RESOLUTION** – Dedicating certain City–owned property as easements for public street purposes and public pedestrian walkway purposes, property located on the south side of E. Butler Avenue west of S. Change Avenue **(Property located in District 5)** – Public Works Dept.
Action Taken: Resolution No. 2007-41 adopted
- F. * **RESOLUTION** - Approving a Cooperative Agreement with the California Department of Transportation for construction and transfer of a parcel for a storm water drainage basin at Marks Avenue and authorizing the Public Works Director or his designee to sign the agreement and all related documents on behalf of the City of Fresno – Public Works Dept.
Action Taken: Resolution No. 2007-42 adopted
- G. * **RESOLUTION** - 54th amendment to AAR No. 2006-253 appropriating \$1,350,000 in traffic congestion relief program funds for street maintenance projects in the Street Maintenance and Capital Project Divisions Of Public Works **(Requires 5 affirmative votes)** – Public Works Dept.
Action Taken: Resolution No. 2007-43 adopted
- H. **RESOLUTION** - Approving the Final Map of Tract No. 5316 and accepting dedicated public uses therein; authorize the City Manager and his/her designee to execute the necessary documents **(Property located in District 1)** - Planning and Development Dept. and Public Works Dept.
Action Taken: Resolution No. 2007-44 adopted
- I. * **RESOLUTION** - 8th amendment to PAR No. 2006-254 converting six (6) permanent-intermittent Recreation Leader positions to four (4) full-time Recreation Specialists in the Park, Recreation and Community Services Department – PR&CS
Action Taken: Resolution No. 2007-45 adopted
1. Approve an agreement with the Fresno City Employees Association (FCEA) for the internal recruitment of four (4) new full-time Recreation Specialist positions
Action Taken: Approved
- J. * **RESOLUTION** - 55th amendment to AAR No. 2006-283 appropriating \$5,000 in the General Fund from a Fresno Regional Foundation donation to purchase supplies for the City warming centers operated by the Parks, Recreation and Community Services Department Services **(Requires 5 affirmative votes)** - PR&CS
Action Taken: Resolution No. 2007-46 adopted
- K. * **RESOLUTION** - 58th amendment to AAR No. 2006-283 appropriating \$16,800 in 21st Centural Grant Funding from Fresno Unified School District for fourteen (14) family science nights programming services **(Requires 5 affirmative votes)** – PR&CS
Action Taken: Resolution No. 2007-47 adopted
1. Approve the corresponding independent contractor services agreement
Action Taken:
- L. * Approve standard airline operations agreement with Frontier Airlines, Inc. – Airports Dept.
Action Taken: Approved
- M. * Award a contract for professional information services for the Department of Public Utilities to JSA Advertising - Dept. of Public Utilities
Action Taken: Awarded/\$404,600
- N. * Award a contract to Witrol, Inc. dba Sealrite and Grading for the installation of street infrastructure in No Neighborhood Left Behind Area 33 **(Property located in District 3)** – Dept. of Public Utilities
Action Taken: Awarded/\$447,016.14
- O. * Award a contract to American Paving Co. for the installation of street infrastructure in No Neighborhood Left Behind Area 71 **(Property located in District 7)** – Dept. of Public Utilities
Action Taken: Awarded/\$932,247.50

1. **CONSENT CALENDAR CONTINUED**

- P. * **RESOLUTION** - 9th amendment to PAR No. 2006-254 adding a full time secretary position to the Economic Development Dept. beginning April 1, 2007 – Economic Development Dept.
Action Taken: Resolution No. 2007-48 adopted
- Q. **RESOLUTION** - Approving the Final Map of Tract No. 5268 and accepting dedicated public uses therein; authorize the Public Works Director, Public Utilities Director and Planning and Development Director to execute the necessary documents ***(Property located in Council District 6)*** – Planning and Development Dept.
Action Taken: Resolution No. 2007-49 adopted
- R. * Recommend City Council approve amendment increasing to \$80,000 consultant services agreement with Krazan Associates, Inc. for environmental services for City affordable housing projects, programs, and activities – Planning and Development Dept.
Action Taken: Approved
- S. * Approve Lease Agreement between Raquel Palacios dba Ajua Bail Bonds and the City of Fresno for 1237 Van Ness Avenue, a commercial portion of the Van Ness and Merced garage facility – Facilities Management Division
Action Taken: Approved
- T. * Approve agreement for workers' compensation service provider contract between the City of Fresno and American All Risk Loss Administrators and authorize Personnel Services Director to execute agreement on behalf of the City – Personnel Services Dept.
Action Taken: Discussed briefly and tabled to 2/27/2007
- U. * **BILL NO. B—11 (Intro. 1/23/2007 and Reintroduced 1/30/2007) (For adoption)** - Amending Section 3-101 and 3-505 repealing subsection (h) of Section 3-105, and repealing and adding Section 3-109.1 of the Fresno Municipal Code relating to local preference in competitive procurement processes – Councilmember Dages
Action Taken: Laid over to 3/6/2007
- V. * **BILL NO. B- 12 - (Intro. 1/30/2007) (For adoption)** - Relating to the modification of boundaries of the Council districts of the City of Fresno – Planning and Development Dept.
Action Taken: Ordinance No. 2007-12 adopted

2. **CITY COUNCIL**

- A. Establishment of Council subcommittee for Citywide street impact fees – Councilmember Westerlund
Action Taken: Laid over to 3/6/2007
- B. Request staff to return to Council with a report and financial status of the Abandoned Vehicle Abatement Program - Councilmember Calhoun
Action Taken: Approved
- C. * Approve increase in compensation to City Clerk - Council President Perea
Action Taken: 3% increase and 32 hours of administrative leave approved
- D. Approve appointment of Councilmember Blong Xiong to Council of Governments (COG) Rail Committee – Council President Perea
Action Taken: Approved

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION –**
1. Appearance by Robert Glassman to discuss the purchase of the Gateway Center by the City of Fresno - **Appearance made**
 2. Request to appeal to arborist's recommendation to not remove a sycamore tree in front of the home of Ray and Bettye Sullivan – Property located at 1636 N. Pacific (**Property located in District 1**) - **Removed/being resolved administratively**
- 9:00 A.M. B. **UNSCHEDULED COMMUNICATION –** Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda
- 9:15 A.M. **GENERAL ADMINISTRATION**
- A. Authorize the Department of Transportation/Fresno Area Express to apply for Local Transportation Fund (LTF) and State Transit Assistance (STA) for Fiscal Year 2007 – Fresno Area Express
Action Taken: **Authorized**
1. * **RESOLUTION** - 57th amendment to AAR No. 2006-253 appropriating \$3,898,400 for the budget of capital projects and adjustment of employee services appropriations for the Department of Transportation/Fresno Area Express (**Requires 5 affirmative votes**)
Action Taken: **Resolution No. 2007-50 adopted**
- 9:30 A.M. Discussion and direction for the establishment of a Small Farmer Emergency Business Loan Program for small farmers who live in the City of Fresno and suffered damage to their farm during the recent freeze – Councilmember Duncan and Acting President Xiong
Action Taken: **Program established, staff to return with funding source for \$500,000 “seed” money**
- 9:45 A.M. Request staff to return with a recommendation on the feasibility and effectiveness of establishing a City of Fresno Environmental Preservation Advisory Board - Councilmember Calhoun
Action Taken: **Discussed and withdrawn**
- 10:00 A.M. **HEARING** to consider the vacation of a portion of S. Crystal Avenue south of Whitesbridge Avenue – Public Works Dept.
Action Taken: **Held**
- a. * **RESOLUTION** – Ordering the vacation of a portion of S. Crystal Avenue south of Whitesbridge Avenue
Action Taken: **Resolution No. 2007-52 adopted**
- 10:15 A.M. **HEARING** to consider the vacate a portion of W. Cattern Avenue northeast of N. Weber Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south of W. Devlan Avenue (**Property located in District No. 2**) - Public Works Dept.
Action Taken: **Opened; discussed briefly and tabled to 2/27/2007**
- a. * **RESOLUTION** – Ordering the vacation a portion of W. Cattern Avenue northeast of N. Weber Avenue and portions of N. Weber Avenue from north of W. Cattern Avenue to south of W. Devlan Avenue

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. TEFRA HEARING as required by Section 147 (F) of the Internal Revenue Code of 1986, as amended, to hear and to consider information concerning the proposed issuance of Housing Revenue Bonds by the California Statewide Communities Development authority for the purpose of financing the acquisition and construction of a 65-unit multifamily rental housing facility commonly known as Oak Park Senior Villas – Finance Dept.

Action Taken: **Held**

a. * **RESOLUTION** – Approving the issuance of Housing Revenue Bonds by the California Statewide Communities Development Authority in the aggregate principal amount not to exceed \$ 7,000,000

Action Taken: **Resolution No. 2007-53 adopted**

10:45 A.M. TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, to hear and to consider information concerning the proposed issuance of Housing Revenue Bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and construction of an 80-unit multi-family rental housing facility commonly known as Tanager Springs Apartment Project – Finance Dept.

Action Taken: **Held**

a. * **RESOLUTION** – Approving the issuance of housing revenue bonds by the California Statewide Communities Development Authority in an aggregate principal amount not to exceed \$ 23,000,000

Action Taken: **Resolution No. 2007-54 adopted**

10:50 A.M. Council determination of consistency with the Fresno Yosemite International Airport and Environs Plan as related to residential development located within the adopted 65 dbA (decibels) Community Noise Equivalent Level (CNEL) for property located on the southeast corner of North Cedar and East Gettysburg Avenues (Property located in District 4) – Planning and Development Dept.

Action Taken: **Findings made and applicant's request approved**

11:00 A.M. BILL – (For introduction) – Adding Article 21 to Chapter 9 to the Fresno Municipal Code relating to prohibition against consumption of alcoholic beverages by underage persons and allowing or hosting gatherings where underage persons are consuming alcoholic beverages – Councilmember Dages

Action Taken: **Laid over to 2/27/2007**

2:00 P.M. #1 CONTESTED CONSENT CALENDAR

2:00 P.M. #2 CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION - Government Code Section 54956.9, subdivision (b)

Significant Exposure to Litigation:

1. Watry Design, Inc. v. City of Fresno

Action Taken: **Held**

B. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION – Government Code Section 54956.9, subdivision (a)

1. **Case Name:** City of Fresno (Saldate) v. Bruce Adami

2. **Case Name:** City of Fresno v. Bahman Ighani, et al.

Action Taken: **Held**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:45 P.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of January 23, and 30, 2007

Action Taken: Approved

- A. * Award the contract in the amount of \$43,460.00 to Lee Crippen Excavation for the demolition and clearance of buildings located at 1260 "A" Street within the Southwest Fresno G.N.R.A. Redevelopment Project Area and 4626, 4630, and 4636 E. Kings Canyon Road within the Southeast Fresno Revitalization Redevelopment Project Area (***Agency and Council action***)
- Action Taken:** Awarded

ADJOURN

3:00 P.M. WORKSHOP to discuss by Navigant Consulting in regards to the report investigating the strategy development and financial analysis in the formation of a special utility district (Phase 2) – Department of Public Utilities - **Held**

- a. Direction to staff to begin the process to change the governance structure of the Department of Public Utilities to a municipal water district
- b. Approval of an amendment to agreement with Navigant Consulting to prepare a plan of service regarding the change of governance structure of the Department of Public Utilities to a municipal water district
- Action Taken:** Approved

3:30 P.M.#1 Status report on the implementation of the 2025 General Plan – Planning and Development Dept.

Action Taken: Laid over to 2/27/2007

3:30 P.M.#2 Update regarding proactive annexation and rezone program and initiation of related rezone applications – Planning and Development Dept.

Action Taken: Update given

1. **RESOLUTION** - Initiating pre-zoning on 7 parcels totaling approximately 41.80 acres, within the City of Fresno
- Action Taken:** Resolution No. 2007-56 adopted
2. **RESOLUTION** - Initiating a rezoning application on 27 parcels, totaling approximately 47 acres within the Roeding Business Park
- Action Taken:** Resolution No. 2007-55 adopted

4:30 P.M. HEARING to consider Plan Amendment Application No. A-06-22, and environmental findings, filed by the City of Fresno, proposing planned land use changes to the 2025 Fresno General Plan and Bullard Community Plan as specified by the Draft Pinedale Neighborhood Plan, which encompasses approximately 138 acres of property bounded on the south by W. Herndon Avenue frontage road, on the west by N. Ingram Avenue, on the north by W. Alluvial Avenue, and on the east by N. Blackstone Avenue (***Property located in District 2***) – Planning and Development Dept.

Action Taken: Held

- a. Consider and adopt a finding of Mitigated Negative Declaration for Environmental Assessment No. EA-06-37(A-06-22)
- Action Taken:** Adopted
- b. **RESOLUTION** – Amending the 2025 Fresno General Plan and the Bullard Community Plan for approximately 90 percent of the area within the above-noted plan boundaries and changes the planned land use designation on the remaining 10 percent (14.51 acres) as follows:
- Action Taken:** Resolution No. 2007-51 adopted

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

4:30 P.M. HEARING (*continued*) - Plan Amendment Application No. A-06-22, and environmental findings, filed by the City of Fresno

<u>Existing Planned Land Uses</u>	<u>Proposed Planned Land Uses</u>	<u>Acreage</u>
Residential, Medium Density <i>easterly side of N. Ingram Avenue, north of W. Beechwood Avenue</i>	Residential, Medium-High Density Tolerant*	6.88
Residential, Medium Density <i>scattered sites within the Pinedale Neighborhood Plan area</i>	Residential, Medium-High Density	3.97
Residential, Medium Density <i>northwest corner of W. Minarets and N. San Pablo Avenues</i>	Commercial, Limited Neighborhood **	0.30
Residential, Medium Density <i>south side of W. Minarets Avenue, between N. Maroa and N. College Avenues</i>	Public Facility, Quasi-Public	0.42
Residential, Medium-High Density <i>northeast corner of N. Maroa and W. Locust Avenues</i>	Residential, Medium Density	0.14
Commercial, Office <i>south side of W. Beechwood Avenue, between N. Ingram and N. Maroa Avenues</i>	Residential, Medium Density	1.45
Commercial, General Heavy <i>North Sugar Pine Avenue between W. Beechwood and W. Fir Avenues</i>	Residential, Medium-High Density Tolerant*	0.31
Commercial, General Heavy <i>northwest corner of W. Fir and N. Sugar Pine Avenues</i>	Public Facility, Elementary School	0.15
Commercial, Parking <i>northwest corner of W. Herndon Avenue frontage road and N. Sugar Pine Avenue</i>	Commercial, General Heavy	0.32
Commercial, Parking <i>southwest corner of W. Beechwood Avenue and N. Sugar Pine Avenue</i>	Residential, Medium Density	0.32
Commercial, General Heavy <i>North side of W. Minarets Avenue, btwn N. Blackstone and N. Sugar Pine Avenues</i>	Public Facility, Post Office	0.25
	Total	14.51

* Medium-High Density Tolerant planned land use designation permits properties that are planned for medium density residential (4.99 to 10.37 dwelling units/acre) to be developed at 4.99 to 16.13 dwelling units per acre, provided that the project complies with specific design criteria.

**Commercial, Limited Neighborhood designation allows small retail or service commercial uses that serve only the immediate needs of the Pinedale neighborhood.

SCHEDULED COUNCIL HEARINGS AND MATTERS

Feb.	13 -	NO MEETING	
Feb.	20 -	NO MEETING – PRESIDENT’S DAY	
Feb.	27 -	9:45 A.M.	JOINT JPA MEETING with City of Clovis
Feb.	27 -	10:00 A.M.	TEFRA HEARING re: mobilehome park revenue re-funding
Feb.	27 -	10:15 A.M.	CONTINUED HEARING re: traffic signal and street impact fees
Feb.	27 -	10:30 A.M.	TEFRA HEARING re: Allied Waste North American, Inc.
Feb.	27 -	10:45 A.M.#1	HEARING to annex Final Tract No. 5424 to the City of Fresno Community Facilities District No. 2, Annexation No. 133 (Located in District No. 4)
Feb.	27 -	10:45 A.M.#2	HEARING to consider annexation of Final Tract No. 5312 to the City of Fresno Community Facilities District No. 2, Annexation No. 134 (Located in District 4)
Feb.	27 -	5:00 P.M.#1	HEARING to consider proposed rate increase for water utility service
Feb.	27 -	5:00 P.M.#2	HEARING to consider proposed rate increase for wastewater/sewer utility service
Feb.	27 -	5:00 P.M.#3	HEARING to consider proposed rate increase for solid waste utility service
Mar.	6 -	10:00 A.M.	TEFRA HEARING re: bond issuance for Community Medical Center
Mar.	6 -	10:15 A.M.	JOINT JPA MEETING with the City of Clovis
Mar.	21 -	3:00 P.M.	JOINT MEETING with Fresno Unified School District (Council Chambers)
Mar.	27 -	10:00 A.M.	CONTINUED HEARING to consider amending MFS Resolution No. 80-420 adopting a Finding of Conformity with the General Plan MEIR, and introduction of an ordinance bill establishing new Citywide and new growth are major street impact fees – Public Works Dept.
Mar.	27 -	10:15 A.M.	HEARING re: Approving the formation of UUD No. FRE-69 (Ventura Street betw. “M” St and State Route 99)